

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ALEDA D. ANDERSON

Plaintiff,

v.

WAL-MART STORES, INC.

Defendant.

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CIVIL ACTION NO.

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**PLAINTIFF'S ORIGINAL COMPLAINT**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Aleda D. Anderson, Plaintiff herein, complaining of Wal-Mart Stores, Inc., Defendant herein and for cause of action would show the Court the following:

**I. JURISDICTION**

1.0 The court has jurisdiction over this lawsuit under 28 U.S.C. §1332(a)(1) because the Plaintiff and the Defendant are citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**II. VENUE**

2.0 Plaintiff resides in Hopkins County, Texas. Defendant Wal-Mart Stores, Inc. store number 417 located in Sulphur Springs, Texas is the location where the incident made the basis of this litigation occurred, therefore Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

**III. PARTIES**

3.0 Plaintiff is a resident of Hopkins County, Texas.

3.1 Defendant, Wal-Mart Stores, Inc. is a foreign for-profit corporation who may be served with citation by delivery to its registered agent for service C T Corporation, 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

### **INTRODUCTION AND FACTUAL BACKGROUND**

4.0 Plaintiff, Aleda D. Anderson was in the course and scope of her employment on May 11, 2013 with defendant Wal-Mart Stores, Inc., as a night cashier at its Sulphur Springs store number 417 when the work injury complained of occurred.

4.1 Plaintiff was required to sort and redistribute returned items to store shelves in addition to operating a cash register.

4.2 In the course of reaching overhead to lift a plastic bin, she severely injured her right shoulder.

4.3 The injury required surgery and she is currently on medical leave without pay while recuperating and undergoing physical therapy under the care of her physician.

4.4 Instead of accepting responsibility for their employee's injury, Wal-Mart hired a third-party to direct plaintiff's medical care and treatment, which included a visit to an intellectually dishonest medical doctor who diagnosed plaintiff's torn rotator cuff injury as unrelated to the incident made the basis of this litigation.

4.5 Plaintiff sought medical attention independent of Wal-Mart's effort and ultimately underwent a shoulder surgery from which she continues to recover.

### **DAMAGES**

5.0 As a direct and proximate result of defendant Wal-Mart Stores, Inc.'s negligence, Plaintiff suffered an unnecessary and preventable injury and subsequently was

subjected to a delay and denial of medical care of several months. Plaintiff's severe shoulder injury required surgical repair. Plaintiff seeks damages for her past and future physical pain and mental anguish; for her disfigurement, physical impairment in the past and future; for her medical expenses in the past and future; and her lost wages both past and future.

### **CAUSES OF ACTION: EMPLOYER NEGLIGENCE**

6.0 Defendant, Wal-Mart Stores, Inc., as Plaintiff's employer, had certain absolute, non-delegable, and continuous duties to Plaintiff, its employee. Specifically, Defendant is required:

- a. to provide a reasonably safe place to work;
- b. to properly instruct, supervise and train their supervisory employees how to instruct, train and supervise Plaintiff on how to perform her duties in a reasonably safe manner;
- c. to supply reasonably safe and or suitable equipment, tools and appliances; and
- d. to establish reasonable safety rules and regulations.

6.1 Defendant breached these duties by:

- a. failing to exercise ordinary care, caution and diligence to provide Plaintiff with a reasonably safe work environment and/or a means of safely performing her work;
- b. failing to provide Plaintiff with appropriate tools with which to safely perform her duties; and
- c. failing to establish a safety program with regard to safe and proper lifting methods.

### **DEMAND FOR JURY TRIAL**

7.0 Plaintiff requests a trial by jury.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final trial, Plaintiff have judgment against and recover from said Defendant:

- a. Actual and special damages in an amount exceeding the minimum jurisdictional limits of this Court;
- b. Pre-judgment interest as provided by law;
- c. Post-judgment interest as provided by law;
- d. All costs of Court; and
- e. All further relief, both general and special, at law or in equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

**CARSE LAW FIRM**

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**COUNSEL FOR PLAINTIFF**

**ALEDA D. ANDERSON**